State of Alaska Bill Version: **SB 63** 2017 Legislative Session Fiscal Note Number: () Publish Date: Identifier: SB063-DEC-FSS-02-24-17 Department: Department of Environmental Conservation Title: REGULATION OF SMOKING Appropriation: Environmental Health Sponsor: MICCICHE Allocation: Food Safety & Sanitation Requester: Senate Health and Social Services OMB Component Number: 2343 **Expenditures/Revenues** Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars) Included in FY2018 Governor's FY2018 **Out-Year Cost Estimates** Appropriation Requested Request **OPERATING EXPENDITURES** FY 2018 FY 2018 FY 2019 FY 2020 FY 2021 FY 2022 FY 2023 Personal Services Travel Services Commodities **Capital Outlay Grants & Benefits** Miscellaneous **Total Operating** 0.0 0.0 0.0 0.0 0.0 0.0 0.0 **Fund Source (Operating Only)** None Total 0.0 0.0 0.0 0.0 0.0 0.0 0.0 **Positions** Full-time Part-time Temporary Change in Revenues None Total 0.0 0.0 0.0 0.0 0.0 0.0 0.0 **Estimated SUPPLEMENTAL (FY2017) cost:** 0.0 (separate supplemental appropriation required) (discuss reasons and fund source(s) in analysis section) Estimated CAPITAL (FY2018) cost: (separate capital appropriation required) (discuss reasons and fund source(s) in analysis section) **ASSOCIATED REGULATIONS** Does the bill direct, or will the bill result in, regulation changes adopted by your agency? Yes If yes, by what date are the regulations to be adopted, amended or repealed? 06/30/18 Why this fiscal note differs from previous version: Not applicable, initial version.

Prepared By:	Christina Carpenter, Director	Phone:	(907)269-7645
Division:	Environmental Health	Date:	02/24/2017 10:00 AM
Approved By:	Alice Edwards, Deputy Commissioner	Date:	02/24/17
Agency:	Department of Environmental Conservation		

Printed 2/27/2017

STATE OF A	LASKA	
2017 LEGISL	ATIVE	SESSION

BILL NO.	SB063

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This bill would transfer duties relating to regulation of smoking from the Department of Environmental Conservation (DEC) to the Department of Health and Social Services. DEC's recent application of these statutes has been limited to providing information to the public regarding intent and provisions of the law, recommending corrective actions and methods to comply with the legal requirements, providing signs upon request, and recording any failure to post required signs on routine inspection reports at retail food facilities. The result would have no fiscal impact to DEC.						
Technical edits to existing DEC regulations would be completed as time allows with existing resources.						

(Revised 8/12/16 OMB/LFD)

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Identifier: SB0	63-DHSS-CDI	DUD 2 24 47				-		
	SULATION OF			Departr			n and Social Sen	vices
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•	CICHE			Allocation	on: Chronic I	Disease Pre	vention and Hea	Ith Promotion
Requester: (S) H	HSS			OMB C	omponent Numb	er: 2818		
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Expenditures/Re	evenues	-8-v- · ·						
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Fund Source (Op	erating Only)							
None								
Total		0.0	0.0	0.0	0.0	0.0	- 0.0	
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Positions								
Full-time Part-time								·
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Temporary								
Change in Reven	ues							
None								
Total		0.0	0.0	0.0	0.0	0.0		
				0.0	0.0	0.0	0.0	0.0
Estimated SUPPL	EMENTAL (F	Y2017) cost:	0.0	(separate supp	lemental approp	riation requi	red)	
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Why this fiscal no	te differs fror	n previous ver	sion:					
Not applicable; initi	al version.							
Prepared By:	Jay C. Butler	Chief Medical Off	finar/Director					
Division:	Public Health	Cilier Medical Off	incer/Director			Phone:	(907)269-6680	
Approved By:		rien, Asst. Commi	issioner			Date:	02/23/2017 12:0	0 PM
Agency:	Health and So	cial Services				Date:	02/24/17	

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Control Code: leowd

STATE OF ALASKA 2017 LEGISLATIVE SESSION

BILL	NO.	SB063

Analysis

This bill amends AS 18.35, *Public Accommodations and Facilities*, by adding Article 4, *Prohibition of Smoking in Certain Places*, and repealing Article 3, *Regulation of Smoking in Public Facilities*. The Department of Environmental Conservation is currently responsible for enforcement of Article 3 of Chapter 18.35, *Regulation of Smoking in Public Facilities*. Under this bill, the Commissioner of Health and Social Services would be responsible for ensuring compliance and providing signage and education regarding the law, in combination with the existing comprehensive smoking education, tobacco use prevention, and tobacco control program—currently provided by the department (AS 44.29.020(a)(14), *Duties of the Department*).

The Division of Behavioral Health's Prevention and Early Intervention Section currently monitors retail tobacco sales to minors required by federal Synar legislation. Under this bill, the Tobacco Enforcement Team would monitor and respond to all complaints and provide ongoing education to businesses. Ideally, the Division of Behavioral Health would consider this as a form of "passive enforcement" which could be performed in addition to the other duties assigned to the Tobacco Investigators. An online complaint form would be created and monitored along with a 1.800 number for complaints via phone. The department does not anticipate many calls or complaints based on the experience of other jurisdictions with similar laws such as the Municipality of Anchorage. Under a complaint-driven enforcement model, the division does not expect to require an additional appropriation.

The Division of Public Health's Tobacco Prevention and Control Program would be responsible for developing public education materials regarding the requirements within the law, for educating business owners, our grantees and the public on the specifics of the law, and providing signage. If the intent is that the type of sign provided is an electronic downloadable copy of a sample sign, the cost would be minimal regardless of the number of signs requested. However, if the intent is for more durable manufactured or printed signage, then additional resources would be needed. Current grantees and contractors will refocus their efforts to the implementation related to this statewide smoking prohibition, possibly at the expense of current educational efforts. A website along with other resources and materials would educate business owners, the public and law enforcement on the specifics of the law.

This is a zero fiscal note. The department believes these efforts could be made with existing resources in combination with ongoing comprehensive tobacco prevention and control efforts across the state.

(Revised 8/12/16 OMB/LFD)

2017 Legislative Session		Bill Version: Fiscal Note Number:		_	SB 63			
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Identifier:	SB063-DPS-DE1	C 02 24 47			() Publish Da			
Title:				Depart	•	ent of Public	-	
	REGULATION O	F SMOKING		Approp	riation: Alaska S	•		
Sponsor:	MICCICHE			Allocati	on: Alaska S	tate Trooper	Detachments	
Requester:	(S) HSS			OMB C	omponent Numb	per: 2325		
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Travel							 	
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None		<u> </u>						
Total		0.0	0.0	0.0	0.0	0.0	0.0	0.0
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Change in I	Revenues							
None								
Total		0.0	0.0	0.0	0.0	0.0	0.0	0.0
Estimated S	SUPPLEMENTAL ((EV2017) acct.	0.0	(
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If yes by wh	direct, or will the b	ill result in, regula	ition changes a	dopted by your	agency? No)		
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Why this fis	cal note differs fr	om previous ver	eion:					
Not applicab	le, initial version.	Pin previous ver	51011.					
						-		
Prepared By:	Kelly Howel	1				Phone:	(007)465 4000	
Division:	Administrati	ve Services				Priorie: Date:	(907)465-4336 02/24/2017 02:00) DM
Approved By:	Walt Moneg	an				Date:	02/24/17	, i 141

Printed 2/27/2017

Public Safety

Agency:

State of Alaska

STATE OF ALASKA 2017 LEGISLATIVE SESSION

BILL NO.	SB 63	3		

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This bill amends AS 18.35.341(a) to allow peace officers to issue citations for violations related to smoking in certain prohibited areas when committed in the officers' presence, and to issue citations for a violation of the requirement to post "no smoking" signage in certain areas.				
Passage of this legislation is no would be issued in the peform:	it expected to significantly impact the efforts of the Alaska State Troopers as such citations ance of their normal duties. Therefore, a zero fiscal note is being submitted.			

(Revised 8/12/16 OMB/LFD)

2017 Legislative Session Bill Version: **SB 63** Fiscal Note Number: () Publish Date: Identifier: SB063-DCCED-AMCO-02-24-17 Department: Department of Commerce, Community and Title: REGULATION OF SMOKING **Economic Development** Sponsor: MICCICHE Appropriation: Alcohol and Marijuana Control Office Requester: (S) Health & Social Services Allocation: Alcohol and Marijuana Control Office OMB Component Number: 3119 **Expenditures/Revenues** Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars) Included in FY2018 Governor's Appropriation FY2018 **Out-Year Cost Estimates** Requested Request **OPERATING EXPENDITURES** FY 2018 FY 2018 FY 2019 FY 2020 Personal Services FY 2021 FY 2022 FY 2023 Travel Services Commodities Capital Outlay **Grants & Benefits** Miscellaneous **Total Operating** 0.0 0.0 0.0 0.0 0.0 0.0 0.0 Fund Source (Operating Only) None Total 0.0 0.0 0.0 0.0 0.0 0.0 0.0 **Positions** Full-time Part-time Temporary Change in Revenues None Total 0.0 0.0 0.0 0.0 0.0 0.0 0.0 Estimated SUPPLEMENTAL (FY2017) cost: (separate supplemental appropriation required) (discuss reasons and fund source(s) in analysis section) Estimated CAPITAL (FY2018) cost: (separate capital appropriation required) (discuss reasons and fund source(s) in analysis section) ASSOCIATED REGULATIONS Does the bill direct, or will the bill result in, regulation changes adopted by your agency? If yes, by what date are the regulations to be adopted, amended or repealed? No N/A Why this fiscal note differs from previous version: Not applicable, initial version. Prepared By: Sara Chambers, Director (907)269-0351 Division: Phone: Alcohol and Marijuana Control Office Date: Approved By: 02/24/2017 11:29 AM

Agency:

Catherine Reardon, Director

Division of Administrative Services, DCCED

State of Alaska

Date:

02/24/17

STATE OF ALASKA	
2017 LEGISLATIVE	SESSION

BILL	NO.	SB 63		

Analysis

SB 63 prohibits and penalizes smoking where the public and vulnerable individuals are located. This includes certain retail establishments, public-use areas, and enclosed areas, including buildings that do not meet ventilation standards. Additionally, this legislation requires employers, property owners, property operators, and other members of the public to display signs of the smoking prohibitions to be posted in the aforementioned areas.					
The Alcohol and Marijuana Control Office does not anticipate fiscal impact from this legislation. Any regulations required of the Marijuana Control Board will be included in existing regulations projects.					
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(Revised 8/12/16 OMB/LFD)